IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.119 OF 2007
IN
WRIT PETITION NO.1227 OF 2000

Shri.Vilas Hari Kelkar & Ors. ..Petitioners

Vs.

The Municipal Corporation of
Greater Mumbai and Others ..Respondents

Ms.Y.M.Jhaveri for the Petitioners.
Ms.Trupti Puranik for Respondent Nos.1 and 2.
Mr.S.N.Pillai for Respondent Nos.3 and 4.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 8TH JUNE, 2007

P.C.

1. Heard the learned Counsel for the Petitioners and the learned Counsel for Respondent Nos.1 and 2 and the learned Counsel for Respondent Nos.3 and 4. By this Notice of Motion taken out by Respondent Nos.3 and 4, they are seeking promotion as a Deputy Chief Engineer with effect from 30th November,2000 and also for a relief that Respondent Corporation be restrained from giving any effect to the post of Chief Engineer on the basis of the seniority list of Deputy Chief Engineer dated 2nd November,2004.

2. The learned Counsel for Respondent Nos.3 and 4 is unable to point out, under what provision of law the Respondent Nos.3 and 4 are entitled to seek the above relief in a Petition not filed by them. Over

and above, the learned Counsel for Respondent Nos.3 and 4 states that the Respondent No.3 has already retired and Respondent No.4 is likely to retire on 30th June,2007. Over and above, this Court, by an order dated 25th April,2003 has made it clear that all promotions to be granted shall be subject to the result of the main Petition. Under the aforesaid facts and circumstances, the above Notice of Motion is totally misconceived. Hence, the same stands dismissed.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**